

REMARKS

Claims 8, 15 and 16 remain pending in the application.

Claims 8, 15, and 16 are rejected under the doctrine of obviousness-type double patenting based on claims 12, 13, 15, 18, 19 and 21-26 of Aboul-Hosn et al. U.S. Patent No. 6,532,964 (the '964 Patent). Applicant notes that the terminal disclaimer based on the '964 Patent and mailed February 24, 2004 is not accepted. A new terminal disclaimer based on the '964 Patent is submitted herewith. In particular, the new terminal disclaimer changes "the whole invention" to "100% interest in the invention" to state the extent of Curon Medical Inc.'s interest in the instant application and the '964 Patent and thereby overcomes this rejection.

Applicant believes the case is now in condition for allowance. Reconsideration and allowance of claims 8, 15, and 16 is respectfully requested.

Respectfully Submitted,

By Patricia A. Limbach
Patricia A. Limbach
Registration No. 50,295

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226

(262) 783 - 1300

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Customer No.: 26308

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